



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,017	02/03/2006	Yuuko Tomckawa	2006_0036A	9440

52349 7590 07/25/2007
WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER

EMPIE, NATHAN H

ART UNIT	PAPER NUMBER
----------	--------------

1709

MAIL DATE	DELIVERY MODE
-----------	---------------

07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,017

Applicant(s)

TOMEKAWA ET AL.

Examiner

Nathan H. Empie

Art Unit

1709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 14-26 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Examiner acknowledges receipt of (2/3/06) preliminary amendment to the claims that was entered into the file. Claims 1-13 have been cancelled, and new, added claims 14-26 are currently pending.

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 14-24, drawn to a method of manufacturing a stamper for direct mastering.

Group II, claim 25, drawn to a stamper for direct mastering.

Group III, claim 26, drawn to an optical disc manufactured by a stamper.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The above listed groups are bound by a commonly known technical feature as taught by Konishi et al. (US 2002/0182546 A1; hereafter '546) in view of Kishima et al (US 2003/0013040 A1; hereafter '040) proving a lack of unity *a posteriori*. The technical feature being: '546 teaches a method for manufacturing a stamper for direct mastering([0026]), comprising the steps of:

3. forming a photosensitive material layer by a laser beam on a substrate [0005];
4. irradiating a laser beam to predetermined areas of said photosensitive material layer so as to partially perform exposure [0005]; and
5. wet-etching said partially exposed thermosensitive material layer so as to form a fine pits-and-bumps pattern (light-exposed substrate is washed with developing solution to remove light exposed regions).

Art Unit: 1709

6. '546 does not teach forming a thermosensitive material layer capable of acting as a negative type by a laser beam on a substrate nor irradiating a laser beam to predetermined areas of said thermosensitive material layer so as to partially perform exposure. '040 teaches forming a thermosensitive material layer capable of acting as a negative type by a laser beam on a substrate, and irradiating a laser beam to predetermined areas of said thermosensitive material layer so as to partially perform exposure [0017].

'040 teaches the motivation to replace the photosensitive material for a thermosensitive material is that laser exposing photosensitive materials cannot form concavities and convexities beyond an optical limit [0009]. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated a thermosensitive material layer and exposure step taught by '040 to replace the photosensitive material layer and exposure step taught by '546 as it could yield smaller pattern resolution.

7. The inventions listed as Groups I and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The listed groups are not bound by a commonly known technical feature since Group III is to an optical disc and Group I is to a method of manufacturing a stamper, thus demonstrating a lack of unity of invention *a priori*.

8. The inventions listed as Groups II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The above listed groups are bound by a commonly known technical feature namely that an optical disc is form by a stamper as taught by '546 proving a lack of unity *a posteriori*.

9. A telephone call was made to Jeffrey Filipek on 7/12/07 to request an oral election to the above restriction requirement, but did not result in an election being made.

Art Unit: 1709

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.


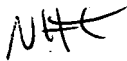
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan H. Empie whose telephone number is (571) 270-1886. The examiner can normally be reached on M-F, 7:00- 4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on (571) 272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1709

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NHE



MICHAEL B. CLEVELAND
SUPERVISORY PATENT EXAMINER